

# **EXHIBIT 2-3**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN J. BENNETT,                     ) CIVIL ACTION - LAW  
  )   
                  Plaintiff             )   
  )   
-vs-                                     )   
  )   
TROOPER JAIME LOPEZ                 )   
and TROOPER GABRIEL L.             )   
PADUCK,                                 )   
  )   
                  Defendants           x No. 3:17-cv-02031-ARC

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DEPOSITION TESTIMONY OF

**TROOPER JAIME LOPEZ**

FRIDAY, MARCH 1, 2019

OFFICE OF THE ATTORNEY GENERAL  
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**COPY**

**COUNSEL PRESENT:**

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**On behalf of the Defendant Paduck:**

PENNSYLVANIA STATE POLICE  
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**STIPULATIONS**

It was stipulated and agreed by and between counsel that the reading, signing, sealing and filing of the deposition transcript be waived.

It was further agreed that all objections except as to the form of the question will be reserved until the time of trial.

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**T R O O P E R                      J A I M E                      L O P E Z ,**

WAS CALLED, AND HAVING BEEN DULY SWORN,  
WAS EXAMINED AND TESTIFIED AS FOLLOWS:

**EXAMINATION BY MR. GRYSKIEWICZ:**

Q. Trooper Lopez, my name is Lenny  
Gryskewicz. I represent Mr. Bennett in this action.

Have you ever been deposed before?

A. Yes, I have.

Q. Okay. I am going to give you a quick  
rundown of some rules. I am sure you learned them  
last time and your attorney already explained them to  
you.

So, I will be asking you questions  
regarding, you know, the basis of this action, an  
incident that took place in Judge Plummer's  
Magisterial District Court on May 12, 2017.

My intent is not to annoy you or harass  
you or embarrass you with my questions, simply to  
learn what you know about this case. I am sure in  
the course of this deposition I am going to ask you a  
bad question, something that's not worded right. If  
you don't understand a question I ask you, just let  
me know, I will rephrase the question or withdraw the  
question.

1                   If you could please give verbal answers  
2 to the questions. I will know what you mean if you  
3 nod your head, but the stenographer will need a  
4 verbal answer to build the transcript here.

5                   I would ask that you would wait until I  
6 am finished asking the question before you provide  
7 the answer. The stenographer, as skilled as she is,  
8 can't write down both of our responses at the same  
9 time. I will provide you the same courtesy, sir, and  
10 wait until you are finished answering to ask my next  
11 question.

12                   If you need a break at any point,  
13 please, just let me know. I would just ask that you  
14 answer any question that is currently posed to you  
15 before we take a break. But if you need a break,  
16 just let me know.

17                   Do you have any questions about that?

18           A.       I do not have any questions. Thank  
19 you.

20           Q.       Okay. What is the highest level of  
21 education you have attained?

22           A.       I completed about three years of  
23 college.

24           Q.       Okay. Did you get an Associate's  
25 degree or Bachelor's degree from that?

1 A. Neither.

2 Q. Okay. What did you do for employment  
3 before you became a police officer?

4 A. Most recently before becoming a police  
5 officer, I was employed as a security guard and a  
6 medical first responder for the Woodloch Pines Resort  
7 in Pike County.

8 Q. Okay. When did you first become a  
9 police officer?

10 A. September 25, 1995.

11 Q. Okay. And were you -- did you become a  
12 State Trooper then?

13 A. Yes, sir.

14 Q. So, did you graduate the State Police  
15 Academy at that time?

16 A. Yes, sir.

17 Q. Where did you go to the State Police  
18 Academy at?

19 A. At the State Police Academy in Hershey,  
20 Pennsylvania.

21 Q. Could you describe the training that  
22 you underwent at the academy?

23 A. It was a six-month training program, at  
24 that time standard for any cadet seeking employment  
25 as a Pennsylvania State Trooper who was appointed as

1 a cadet to the program. And it consisted of an array  
2 of education, including use of force, training in  
3 understanding and enforcing vehicle code violations,  
4 crime code violations, interpretations of the law.  
5 It involved calisthenics, weight training, swimming.  
6 I would have to say it was probably very similar to a  
7 much shorter version of what military people go  
8 through.

9 Q. Okay. Do you have requirements to  
10 undergo new training every year as a State Trooper?

11 A. Yes.

12 Q. Could you tell me about those?

13 A. Typically, one that jumps out in my  
14 mind is what is called legal updates training. As  
15 time progresses, it is not unusual for laws to vary  
16 slightly or new laws to be enacted. And those that  
17 affect the performance of my job or a police  
18 officer's job have to be made available to us and we  
19 have to be subjected to what those new laws are.

20 I am also during that training tasked  
21 with demonstrating proficient use of the taser,  
22 hand-to-hand combat, firearms proficiency.

23 Q. Okay. And is that training yearly that  
24 you have to undergo?

25 A. Annually.

1           Q.       Annually, okay. And is it the same  
2       every year, legal updates, firearms training, et  
3       cetera, or is it different every year?

4           A.       The attendance for mandatory update  
5       training occurs every year. The content of that  
6       training will vary slightly depending upon the new  
7       laws that I am being subjected to.

8           Q.       Understood. When was the last time you  
9       underwent this annual training?

10          A.       We actually just did an online version  
11       of that training and I just completed that, I would  
12       say, within the last three months.

13          Q.       Okay. When was the last time you  
14       completed that training before May 12th of 2017, if  
15       you remember?

16          A.       My memory would not serve me to provide  
17       an accurate answer.

18          Q.       Okay.

19          A.       But suffice it to say I know from, now,  
20       23 years on the job I would have been subjected to  
21       that training.

22          Q.       Absolutely. And you wouldn't have been  
23       a State Trooper on May 12th if you didn't do that  
24       training, right?

25          A.       Or would not have been certified to do



1 the job.

2 Q. Okay. How long were you stationed in  
3 Troop P in Tunkhannock?

4 A. I have always been a member of Troop P  
5 since I started with the Pennsylvania State Police up  
6 to that point in time, probably since 2011.

7 Q. Okay.

8 A. As memory serves me.

9 Q. How long did you work with Trooper  
10 Gabriel Paduck?

11 A. Trooper Gabriel Paduck and I were  
12 partners for about a year, as I could remember.

13 Q. And was that one year prior to May 12th  
14 of 2017 or one year from today?

15 A. With that follow-up question, I think  
16 the accurate answer would be, in total, for about a  
17 year.

18 Q. Okay. And do you remember what year it  
19 was when you first met Mr. Paduck, Trooper Paduck?

20 A. Probably -- this incident happened in  
21 March of 2017, so it would have to have been 2016  
22 that I met him.

23 Q. Okay. And were you always assigned to  
24 be partners with Trooper Paduck?

25 A. Trooper Paduck and I became midnight

1 partners; so, yes, we were routinely assigned to the  
2 routine midnight shift, but it would not have been  
3 unusual or uncommon for if either I or Trooper Paduck  
4 was not working a particular midnight shift that we  
5 would be paired up with someone else.

6 Q. Understood. Were you ever involved in  
7 a lawsuit, not counting this one?

8 A. I was never mentioned as a party in a  
9 lawsuit.

10 Q. Okay. So, you were never a Plaintiff  
11 or a Defendant in a lawsuit before, is that fair to  
12 say?

13 A. That's fair to say.

14 Q. Okay. Could you tell me what you were  
15 deposed for then previously?

16 A. Once I was a Trooper in Sullivan  
17 County, perhaps, maybe in the late '90s and I was  
18 deposed for a crash investigation I conducted where  
19 there were two parties, two opposing parties. I had  
20 to go down to Lycoming County, Williamsport, and  
21 provide a deposition in that civil case.

22 Q. So, would it be fair to say it was a  
23 personal injury action between two parties and you  
24 were just a witness that was deposed?

25 A. In that particular case, yes.

1           Q.     Okay. How many times do you estimate  
2     that you were in Judge Plummer's courtroom before May  
3     12, 2017?

4           A.     I am going to answer with the  
5     consideration that Judge Plummer also had another  
6     office out in Factoryville.

7           Q.     So, let me withdraw that question and  
8     then reask it.

9                     How many times do you estimate you were  
10    in Judge Plummer's courtroom at Hollow Creek by the  
11    Pennsylvania State Police barracks in Tunkhannock?

12          A.     With respect to while Judge Plummer  
13    presided over that office, I could not accurately  
14    give you a number. It is fair to say it was easily  
15    over 50 times.

16          Q.     Okay. So, it was many times?

17          A.     Oh, yes; too many to count.

18          Q.     Did you ever meet Steven Bennett prior  
19    to May 12, 2017?

20          A.     I have not.

21          Q.     When did you arrive at the Tunkhannock  
22    PSP barracks on May 12, 2017?

23          A.     On that night, I was called in earlier  
24    than my normal scheduled start time for the midnight  
25    shift because of an incident that was pending and had

1 depleted the resources of the p.m. shift. I arrived  
2 at the barracks somewhere between 8:00 and 9:00 p.m.  
3 on that day.

4 Q. What was your normal start time?

5 A. 2200 hours, also known as 10:00 p.m.

6 Q. And did you have off on May 11th or did  
7 you work the day before?

8 A. As memory serves me, I worked the day  
9 before.

10 Q. Okay. And would it have been the same  
11 midnight shift, 10:00 p.m. to 7:00? Or if that's  
12 wrong, tell me what time it was.

13 A. I can't answer with 100 percent  
14 certainty, but it is highly likely I was scheduled a  
15 midnight shift prior --

16 Q. Okay.

17 A. -- and coming in for a midnight shift  
18 that night, as well.

19 Q. Could you describe your normal work  
20 schedule to me around May 12, 2017?

21 A. As a permanent midnight Trooper, it is  
22 typical that we would work a ten-day stretch. After  
23 coming in from a weekend off that ten-day stretch  
24 would begin by, perhaps, maybe working a p.m. shift,  
25 returning the next day on a day shift, returning the

1 third day on a day shift but, yet, returning that  
2 same on that third day at 10:00 p.m. to begin a  
3 series of seven midnight shifts.

4 Q. Okay. Do you remember how many days  
5 you worked in a row prior to May 12, 2017?

6 A. I do not.

7 Q. Okay. And I don't believe I said this  
8 in my instructions, but if I don't know is an answer  
9 to a question, it is a perfectly acceptable answer.

10 So, what were you doing before you got  
11 called in to work?

12 A. I was actually returning home with a  
13 takeout order of food.

14 Q. Okay. And where do you live at, sir?

15 A. Laceyville, Pennsylvania, in Wyoming  
16 County.

17 Q. About how far is that from the  
18 barracks?

19 A. About 13 miles.

20 Q. Did you have anything to drink before  
21 you went in to work?

22 A. If you are referring to alcoholic  
23 beverages, no, I did not.

24 Q. Okay. To your knowledge, was any force  
25 required to place Mr. Bennett under arrest on May 12,

1 2017?

2 A. To my knowledge, I am not aware of if  
3 any force was necessary.

4 Q. Okay. And you would agree that Mr.  
5 Bennett was already in police custody when you  
6 arrived at the State Police barracks that night?

7 A. Yes, I would agree.

8 Q. Okay. And could you tell me where Mr.  
9 Bennett was located when you first came into the  
10 barracks that night?

11 A. He was located in a room that is known  
12 to us as the patrol room and he was actually situated  
13 upon the prisoner bench fastened to the same.

14 Q. Why is that room known as the patrol  
15 room?

16 A. That is where those Troopers who are  
17 assigned to the patrol section out of the Tunkhannock  
18 barracks typically conduct their business.

19 Q. Okay. And is that normally where you  
20 would keep a prisoner or somebody in custody?

21 A. That is normally where we would keep  
22 somebody in custody, yes.

23 Q. Okay. Do you remember how Mr. Bennett  
24 was restrained when you arrived at the barracks?

25 A. To my recollection, he was seated down,

1 handcuffed to his front, and those same handcuffs  
2 were also attached to an ankle set of cuffs affixed  
3 to the floor; thereby, he was unable to stand up.

4 Q. Okay. And did there come a point when  
5 you and Trooper Paduck were asked to escort Mr.  
6 Bennett to his preliminary arraignment?

7 A. Yes.

8 Q. Okay. And did you have to change Mr.  
9 Bennett's restraints prior to transporting him to  
10 that?

11 A. Somewhat so, yes.

12 Q. Okay. Did you do that personally?

13 A. I can't recall with 100 percent  
14 certainty, but it stands to reason that myself, in  
15 conjunction with the Trooper working with me, would  
16 have prepared Mr. Bennett for the next phase of his  
17 transport or custody, yes.

18 Q. Okay. And it was only yourself,  
19 Trooper Paduck and Trooper Levanavage at the barracks  
20 at that time, right?

21 A. When we were preparing him for  
22 transport to Plummer's office, yes.

23 Q. So, would it have been the three of you  
24 working in conjunction to change Mr. Bennett's  
25 restraints?

1           A.       It could have been, if that's an  
2 acceptable answer. If you need me to explain, I  
3 could.

4           Q.       Yeah, if you could explain.

5           A.       It is a subject in custody who is being  
6 prepared for transport. For safety reasons, there  
7 should be at least two officers present. I know by  
8 recollection that both Paduck and I were present.  
9 Whether or not Trooper Levanavage actively engaged in  
10 any part of assisting the affixing of the transport  
11 belt to Mr. Bennett and the subsequent affixing of  
12 his handcuffs to that transport belt I can't recall  
13 with 100 percent certainty.

14          Q.       Okay.

15          A.       I did not do it alone.

16          Q.       Okay. And could you tell me how Mr.  
17 Bennett was restrained when you transported him?

18          A.       He would have had a leather transport  
19 belt affixed about his waist with a metal ring that  
20 is present on the front portion of that belt about  
21 where his naval is. And those handcuffs that he was  
22 wearing about his hands would have momentarily been  
23 -- one cuff would have been taken off, that same cuff  
24 would have passed through that D-ring and the chain  
25 would have went through that D-ring. That loose



1     handcuff would have been reaffixed to Mr. Bennett's  
2     free wrist.

3             Q.     And with the transportation belt, is  
4     that the normal way that the State Police would  
5     transport somebody?

6             A.     Yes.

7             Q.     Is there ever a time with State Police  
8     transport individuals have their hands handcuffed  
9     behind their back?

10            A.     Yes, there most certainly is.

11            Q.     Could you tell me why you would pick  
12     handcuffing somebody behind their back versus using  
13     the transport belt?

14            A.     Upon first coming into contact with  
15     somebody whom you deem you are going to be taking  
16     into custody, the transport belt is not always  
17     readily available; however, handcuffs normally are.  
18     And when we transport somebody in handcuffs, absent  
19     certain circumstances or reasons to justify placing  
20     those handcuffs in front, not only is it required but  
21     the preferred method is to handcuff that person  
22     behind their back.

23            Q.     Okay. And then was Mr. Bennett  
24     restrained with the transport belt from the time you  
25     left the Pennsylvania State Police barracks until he

1 was lodged at the Wyoming County Prison?

2 A. Could you repeat that question?

3 Q. Yes. Was Mr. Bennett restrained with  
4 the transport belt and the handcuffs through that  
5 transport belt the entire time from when you left the  
6 Pennsylvania State Police barracks until he was  
7 lodged at the Wyoming County Prison later that night?

8 A. That would have been the intention.  
9 But I can't say with 100 percent certainty that he  
10 was transported that way and here is why.

11 Q. Okay.

12 A. There came a point in time prior to him  
13 going to jail that he had to visit the hospital.  
14 There came a point in time before visiting the  
15 hospital that he had to be assessed by ambulance  
16 personnel. So, it would not have been unusual that I  
17 would have or one of us would have modified the  
18 manner in which he was transported to accommodate his  
19 medical treatment.

20 Q. Okay. So, it is possible that he might  
21 have been un-handcuffed or the restraints would have  
22 been otherwise altered when he was being treated by  
23 medical personnel that night, is that correct?

24 A. That's correct.

25 Q. Besides when he was being treated by

1 medical personnel, do you recall any other time that  
2 his restraints were changed?

3 A. I don't.

4 Q. How were you, Mr. Bennett, and Trooper  
5 Paduck arranged in the police vehicle when you were  
6 traveling to the arraignment?

7 A. By my recollection, I was operating the  
8 patrol vehicle that evening, so, that would have  
9 situated me in front behind the steering wheel. Mr.  
10 Bennett would have been in the back. And because of  
11 Mr. Bennett's size and because of Trooper Paduck's  
12 size, the most comfortable transportation  
13 arrangements would have put Trooper Paduck in the  
14 front passenger seat.

15 Q. Would you agree that while you were  
16 transporting Mr. Bennett to his preliminary  
17 arraignment that you did not have any problems with  
18 him?

19 A. I would agree, I recall that.

20 Q. Would you agree that you had no  
21 problems with Mr. Bennett while you were escorting  
22 him into Judge Plummer's courtroom?

23 A. I would agree.

24 Q. When you entered the courtroom with Mr.  
25 Bennett and Trooper Paduck, where did the three of

1     you take seats?

2             A.     The entire time prior to the  
3     proceedings but, yet, while we were in the courtroom,  
4     there was a bunch of -- there was an assortment of  
5     manner in which we were either standing or seated.  
6     But there is, by default, a prosecution side and a  
7     Defendant side. When we were seated, it is fair to  
8     say that Trooper Paduck and I were on the prosecution  
9     side of the courtroom and Mr. Bennett was seated at  
10    the Defendant's table.

11            Q.     Okay. And were you and Trooper Paduck  
12    seated at the prosecution table or in the seats  
13    behind there?

14            A.     As memory serves me, I was seated in  
15    the seats behind the prosecution table, Trooper  
16    Paduck, there was a portion of time when he was  
17    seated at the prosecution table, and I think that  
18    answers your question.

19            Q.     Yes. At some point before Judge  
20    Plummer came out into the courtroom, you went back  
21    into the Judge's chambers, is that right?

22            A.     That's right.

23            Q.     What did you discuss with Judge Plummer  
24    when you went back into his chambers?

25            A.     I cannot recall what we discussed, but

1 I would not have gone there to engage him on  
2 conversation of my choosing, I more than likely  
3 responded to his request for me to come back there.

4 Q. Understood. So, you wouldn't have went  
5 back into Judge Plummer's office unless he gave you  
6 permission to or requested your assistance?

7 A. Most certainly.

8 Q. Where were you seated when Judge  
9 Plummer came out of his office to begin the  
10 arraignment?

11 A. As memory serves me, it would have been  
12 at the seats behind the prosecution table.

13 Q. Okay. And do you remember where  
14 Trooper Paduck was seated at that same time?

15 A. By recollection, I believe he was at  
16 the prosecutor's table.

17 Q. For a time during the arraignment, you  
18 and Trooper Paduck were standing off on the  
19 prosecution side of the room while Judge Plummer  
20 handed Mr. Bennett paperwork; would you agree with  
21 that?

22 A. Could I ask you to repeat the question?

23 Q. Yes, absolutely. For a time during the  
24 arraignment, so, after Judge Plummer came out of his  
25 office, you and Trooper Paduck were standing on the

1 prosecution side of the room while Judge Plummer  
2 handed Mr. Bennett paperwork at the Defendant's  
3 table, is that right?

4 A. Yes.

5 Q. Okay. And then during that time, is  
6 that when Mr. Bennett began to ask Judge Plummer  
7 questions?

8 A. In part, the answer to that is yes, but  
9 that is not the only time Mr. Bennett had interrupted  
10 the proceedings with questions to Judge Plummer.

11 Q. Okay. Do you remember what sort of  
12 questions Mr. Bennett was directing towards Judge  
13 Plummer?

14 A. Mr. Bennett was interested and had  
15 asked Judge Plummer if he could obtain a PFA against  
16 his alleged victim that night.

17 Q. And do you remember how Judge Plummer  
18 responded to Mr. Bennett?

19 A. My recollection is simply by telling  
20 Mr. Bennett that he can go to the courthouse on  
21 Monday and apply at the Prothonotary's office.

22 Q. How would you characterize the  
23 interactions between Judge Plummer and Mr. Bennett?

24 A. I would characterize the interaction  
25 between those two as typical but it was changing. As

1 the proceedings went on, the interaction between the  
2 two changed.

3 Q. And during the arraignment, you would  
4 agree that Mr. Bennett stood up at one point while he  
5 was talking with Judge Plummer, is that right?

6 A. Yeah, definitely, I remember that.

7 Q. And at that time do you remember  
8 Trooper Paduck approaching Mr. Bennett and standing  
9 next to him?

10 A. I actually remember myself doing that,  
11 going and standing next to Mr. Bennett.

12 Q. Do you ever remember Trooper Paduck  
13 standing next to Mr. Bennett?

14 A. Yes.

15 Q. And do you remember if that was before  
16 or after you were standing next to Mr. Bennett?

17 A. I think there came a point in time when  
18 Trooper Paduck was standing first and then there came  
19 a point in time where I motioned, I moved towards  
20 standing closer to Bennett and the Judge.

21 Q. Okay. And then after Mr. Bennett was  
22 standing talking to the Judge for a time, he sat down  
23 in his chair, correct?

24 A. I remember that actually happening,  
25 yes.

1 Q. And then do you remember Mr. Bennett  
2 leaning forward in the chair while he was talking to  
3 the Judge about something to do with the paperwork?

4 A. Yes.

5 Q. And is that when you placed your left  
6 hand on his shoulder?

7 A. A simple answer to that is, yes, but  
8 there came more than one point in time where Mr.  
9 Bennett moved closer toward the Judge.

10 Q. Okay. Could you describe that to the  
11 best of your recollection, sir?

12 A. Okay. I will attempt. I know that  
13 there is video of this interaction.

14 Q. Yes, sir.

15 A. So, it would be nice if we had the  
16 video so that I can narrate what is going on and from  
17 my recollection. But you are asking me to describe  
18 how it was that I am able to say Mr. Bennett moved  
19 forward on more than one occasion toward the Judge?

20 Q. Yes, sir, from your memory.

21 A. So, there was an interaction where,  
22 overall, the Judge is going through the proceedings,  
23 the preliminary arraignment proceedings. There is  
24 dissatisfaction between what Magistrate Plummer is  
25 articulating and what Mr. Bennett appears to be



1 hearing or gleaning from the same. There is moments  
2 in time where Mr. Bennett is pushing himself  
3 backwards away from the Defendant's table and moments  
4 in time when he is inching forward towards the  
5 prosecutor's table. So, when I say that I observed  
6 that, it's because that is what I observed.

7 Q. Why didn't you place your hand on Mr.  
8 Bennett's shoulder when he was leaning forward in the  
9 chair previously?

10 A. Because that definitive line in the  
11 sand whereby Magistrate Plummer has now -- has  
12 eventually articulated Mr. Bennett is not going to  
13 sign the bail paperwork had not occurred yet.

14 Q. And you would agree with me that Mr.  
15 Bennett was standing up and arguing with Judge  
16 Plummer prior to you placing your hand on his  
17 shoulder?

18 A. Yes.

19 Q. Why didn't you restrain Mr. Bennett,  
20 put him back in his chair when he stood up prior to  
21 you putting your hand on his shoulder?

22 A. For reasons that I cannot articulate  
23 any better than simply to say I didn't.

24 Q. Okay. After you placed your left hand  
25 on Mr. Bennett's shoulder, you then placed your right

1 hand on his shoulder and chest area, is that right?

2 A. That's right.

3 Q. And could you tell me why you did that,  
4 sir?

5 A. Because in the course of my putting my  
6 one hand upon Mr. Bennett's right shoulder, I think  
7 you just described?

8 Q. Yes.

9 A. My left arm out on his right shoulder,  
10 he was not heeding my command to stop, don't come any  
11 closer, requiring a more -- an increase in the amount  
12 of force I utilized or needed to stop him from coming  
13 closer.

14 Q. Do you remember how many times you told  
15 Mr. Bennett to stop moving closer?

16 A. Suffice it to say more than once.

17 Q. Do you remember if you told him to stop  
18 moving forward prior to placing your left hand on  
19 him?

20 A. I don't recall. It could have  
21 happened; I don't recall. It might have been  
22 simultaneous when I said -- when I placed my arm on  
23 him, it might have been simultaneous that I said  
24 don't come any closer.

25 Q. Okay. When you had both of your hands

1 on Mr. Bennett's shoulder area, could you describe  
2 what type of force you were applying?

3 A. Restraining force.

4 Q. Okay. So, were you pushing Mr. Bennett  
5 back with your hands at that point?

6 A. The restraining force I applied was a  
7 combination of stopping him and pushing him from  
8 coming any closer.

9 Q. And is restraining force a term of art  
10 that police use?

11 A. A term of art, I have never heard it  
12 referred to as a term of art. It is a term that we  
13 use in our training.

14 Q. So, let me rephrase that question.  
15 Does restraining force mean something  
16 specific to you?

17 A. Yes.

18 Q. Could you describe what it means?

19 A. Restraining force is a lower level of  
20 force that is authorized to be used to accomplish an  
21 objective, a lawful objective by a police officer.

22 Q. After you put both of your hands on Mr.  
23 Bennett's shoulder, would you agree that Mr. Bennett  
24 then was looking at you or in your direction?

25 A. I am sure there came a moment in time

1       when Mr. Bennett was looking at me but I also know  
2       there is video evidence of this moment in time.

3               Q.       And then after you had both of your  
4       hands on Mr. Bennett's shoulder, at that point is  
5       when you struck Mr. Bennett in the face, is that  
6       correct?

7                       MR. COLEMAN:   Note my objection.  
8       You could answer, Trooper.

9                       THE WITNESS:   There came a moment  
10       in time after and while I was  
11       restraining Mr. Bennett that I struck  
12       Mr. Bennett.   But I think the proper  
13       reasoning for it are best summed up by  
14       me narrating the video as it is playing.

15   BY MR. GRYSKEWICZ:

16               Q.       I understand, sir.   I would ask you to  
17       testify as best you can from your memory about it.  
18       Do you remember how you struck Mr. Bennett in the  
19       face?

20               A.       I do remember how I struck Mr. Bennett,  
21       yes.

22               Q.       Could you describe that, sir?

23               A.       An open-handed strike with my right  
24       hand about the left portion of his face or his cheek,  
25       his left cheek.

1           Q.     And would you agree with me that from  
2     the time you originally placed your left hand on Mr.  
3     Bennett's shoulder to the time that you struck him in  
4     the face was seconds?

5           A.     Seconds, if not fractions of seconds,  
6     yes.

7           Q.     Would you agree with me that after you  
8     struck Mr. Bennett in the face there was a pause  
9     before Mr. Bennett stood up?

10          A.     A brief pause, I would agree, yes.

11          Q.     And then after that brief pause, you  
12     would you agree that Mr. Bennett then tried to stand  
13     up in the chair?

14          A.     Yes.

15          Q.     And could you tell me what you did  
16     next?

17          A.     In an attempt to prevent him from  
18     getting any vantage or advantage point, I immediately  
19     grabbed him about the upper portion of his chest with  
20     my right arm intending to make him top heavy and take  
21     him off balance.

22          Q.     Okay. And I believe you did, in fact,  
23     make him top heavy and take him off balance, is that  
24     correct, Trooper?

25          A.     That is correct.

1 Q. And you described that your arm was in  
2 his chest area, is that right?

3 A. Upper portion of his chest, neck area.  
4 I know it is characterized in the Complaint as a  
5 choke hold.

6 Q. Okay. About how long in your  
7 estimation do you believe you held Mr. Bennett in  
8 this position with your arm around his neck and chest  
9 area?

10 A. Approximately, 23 seconds, because I am  
11 able to assess that time because I, too, have looked  
12 at the video multiple times.

13 Q. So, that is based on you viewing the  
14 video, the 23-second estimate, is that right?

15 A. That's correct.

16 Q. During that 23-second window, did Mr.  
17 Bennett ever try to grab you with his hands?

18 A. No.

19 Q. During that 23-second window, did Mr.  
20 Bennett ever try to kick you?

21 A. No.

22 Q. During that 23 seconds, did Mr. Bennett  
23 ever try to bite you?

24 A. No.

25 Q. During that 23 seconds, did Mr. Bennett

1 try to assault you in any way?

2 A. No.

3 Q. You would agree that while your arm was  
4 around Mr. Bennett's chest and neck area, Judge  
5 Plummer stood calmly at the front of the table?

6 MR. COLEMAN: Note my objection.

7 You can answer.

8 THE WITNESS: I can't say he stood  
9 calmly.

10 BY MR. GRYSKEWICZ:

11 Q. Were you looking at Judge Plummer while  
12 you were restraining Mr. Bennett?

13 A. No.

14 Q. So, would it be fair to say that you  
15 are not sure what Judge Plummer was doing at the time  
16 you were restraining Mr. Bennett?

17 A. In those moments that I was restraining  
18 Mr. Bennett about his neck, head area, upper chest  
19 area, it is fair to say that I, other than peripheral  
20 vision, I was not 100 percent concerned with what and  
21 how Judge Plummer was standing.

22 Q. While you were restraining Mr. Bennett,  
23 would you agree that Trooper Paduck approached you  
24 and stood behind you for a few moments?

25 A. I know that to be true.

1           Q.     Okay. And do you know that to be true  
2 because you watched the video or you remember it  
3 realtime?

4           A.     Because I watched the video.

5           Q.     Okay. And then would you agree with me  
6 that then Trooper Paduck walked back to the front of  
7 the Defendant's table where Judge Plummer was  
8 standing?

9           A.     Yes.

10          Q.     And, again, do you know that to be true  
11 because you watched the video or because of your  
12 realtime recollection?

13          A.     Because I watched the video.

14          Q.     Okay. And then you would agree with me  
15 that Trooper Paduck then began shuffling or reading  
16 papers at the front of the Defendant's table during  
17 this time?

18          A.     Yes.

19          Q.     And, again, do you know that because  
20 you watched the video or because of your realtime  
21 recollection?

22          A.     Most certainly because I watched the  
23 video.

24          Q.     Why did you decide to release Mr.  
25 Bennett at the end of the 23 seconds?



1           A.       Because I got to that point where I  
2 felt he was now complying with my order to calm down.

3           Q.       Okay. And how many times do you think  
4 you ordered Mr. Bennett to calm down while you were  
5 restraining him?

6           A.       While I was restraining him, multiple  
7 times.

8           Q.       After you released Mr. Bennett, you had  
9 a verbal exchange with him, right?

10          A.       Yes.

11          Q.       Do you remember what was said during  
12 that time?

13          A.       Not with 100 percent certainty, no, I  
14 do not.

15          Q.       After that verbal exchange, you would  
16 agree with me that you took your name tag off in the  
17 courtroom?

18          A.       Yes.

19          Q.       And then you took the pin off the back  
20 of that name tag, correct?

21          A.       Yes.

22          Q.       And then you put that pin in Mr.  
23 Bennett's lap, correct?

24          A.       Not the pin but the name tag.

25          Q.       Yes, I misspoke. You put the name tag

1 in Mr. Bennett's lap?

2 A. Yes.

3 Q. Why did you do this, sir?

4 A. He was requesting my name and badge  
5 number.

6 Q. Would you agree with me that you were  
7 upset with Mr. Bennett at this point?

8 A. No, I would not.

9 Q. How would you describe your feelings at  
10 this point?

11 A. I was worked up, is how I would  
12 describe my feelings. I had just taken the physical  
13 action of restraining a larger man who had not heeded  
14 my command to not come any closer in a courtroom  
15 during a courtroom proceeding.

16 Q. So, would it be fair to say that your  
17 adrenaline was certainly pumping at that point?

18 A. That would be fair, yes.

19 Q. Okay. And after your use of force  
20 against Mr. Bennett, did you examine him for any  
21 injuries in the courtroom?

22 A. I did not.

23 Q. Do you remember if part of your  
24 exchange with Mr. Bennett was you asking him if he  
25 was injured?

1           A.       I do recall that I said to Mr. Bennett  
2       you are not hurt but that did not occur in the  
3       courtroom, that actually occurred in the patrol car.

4           Q.       Yes. In the parking lot?

5           A.       Yes.

6           Q.       But in the courtroom, do you remember  
7       saying anything about Mr. Bennett being injured?

8           A.       No.

9           Q.       Then after this interaction and your  
10      use of force, you then escorted Mr. Bennett out of  
11      the courtroom, right?

12          A.       Yes.

13          Q.       And would you agree with me that Mr.  
14      Bennett obeyed your command to stand up in his chair  
15      when it was time to leave the courtroom?

16          A.       I wouldn't agree with you entirely.

17          Q.       Okay. Could you explain why you agree  
18      and disagree with me then, sir?

19          A.       I could. If we were watching the video  
20      right now, I think the video would support my  
21      statement that Mr. Bennett did not obey my command to  
22      turn around and let's go, let's proceed out of the  
23      courtroom simply. It required me to say it multiple  
24      times. Eventually, I wound up grabbing him about his  
25      right arm and compelling him to walk out of the

1 courtroom.

2 Q. Would you agree with me that Mr.  
3 Bennett didn't resist you when you grabbed his arm to  
4 turn him around and walk him out of the courtroom?

5 A. I would agree with you, yes.

6 Q. Okay. Would you agree with me that Mr.  
7 Bennett did not resist you while he was walking out  
8 of the courtroom with you?

9 A. I would agree with you that he did not  
10 resist me while we were walking out, yes.

11 Q. Okay. And what is your normal  
12 procedure for escorting individuals -- strike that.  
13 Let me rephrase that. That was confusing.

14 How were you normally positioned when  
15 you are escorting a prisoner?

16 A. Normally, either behind him grabbing  
17 him by the belt or grabbing him by one of his arms  
18 and walking him forward.

19 Q. Okay. And it would be common for you  
20 to place at least a hand on the prisoner, right?

21 A. It would be.

22 Q. Okay. And why do you do that, sir?

23 A. To maintain prisoner control and  
24 security.

25 Q. Is that part of your training as a

1 police officer?

2 A. Yes, and part of our policy.

3 Q. Okay. And then at that time when you  
4 were escorting Mr. Bennett out of the courtroom, you  
5 were taking him to your patrol vehicle, right?

6 A. I was.

7 Q. Okay. And you would agree with me that  
8 you had your hand on Mr. Bennett's transport belt  
9 when you were escorting him out of the courtroom?

10 A. Yes.

11 Q. At any point did you pull Mr. Bennett  
12 back towards you by that waist belt?

13 A. Yes.

14 Q. Could you describe that interaction for  
15 us, sir?

16 A. Unfortunately, outside of the view of  
17 the courtroom's camera, there came a point in time  
18 where we had exited Judge Plummer's courtroom but,  
19 yet, had not exited the building and had not yet  
20 arrived inside the patrol car during which Mr.  
21 Bennett was leading me like a larger man or like a  
22 mule, he was pulling me along. And I firmly planted  
23 one of my feet down as I leaned back and pulled back  
24 on the belt and told him to stop pulling me.

25 Q. Okay. And I have been in Judge

1 Plummer's courtroom before, I think everybody here  
2 has, but for the record, could you describe how Judge  
3 Plummer's office looks when you exit the courtroom?

4 MR. COLEMAN: His courtroom or his  
5 office?

6 BY MR. GRYSKEWICZ:

7 Q. The office. So, I believe, from my  
8 recollection, there is a courtroom and then his  
9 office is outside and you have to go down a hallway.  
10 If you could describe how it looks when you leave the  
11 courtroom to the exit.

12 A. When you leave Judge Plummer's  
13 courtroom and that courtroom is now behind you, it is  
14 best described as a foyer. As you are approaching  
15 the exit of the building, there are two meeting rooms  
16 on the left. There is a bathroom on the right and  
17 then eventually there is a secured area or pane of  
18 glass where his administrative staff would stand  
19 during business hours or sit during business hours.  
20 There is a door to the same. There is a waiting area  
21 for the public to sit and wait as they wait to go  
22 into the courtroom.

23 Q. Okay. And do you know about where you  
24 were in that area when you had to put your foot down,  
25 as you described, and stop Mr. Bennett from going

1 forward?

2 A. With 100 percent certainty, no. It  
3 could have been in the foyer between the bathroom and  
4 the two meetings rooms where lawyers sometimes meet  
5 with their clients. It could have been in that  
6 waiting area where the public stands and sits. It  
7 could have been just outside the building.

8 Q. And do you remember how hard you had to  
9 pull on Mr. Bennett's transport belt?

10 A. There was no measurable amount of force  
11 other than for me to say it was the force I use to  
12 convey that message to stop pulling me.

13 Q. Would it be fair to say that you  
14 stopped Mr. Bennett in his tracks from going forward  
15 any farther?

16 A. Yes.

17 Q. Where was your police cruiser  
18 positioned in the parking lot outside of Judge  
19 Plummer's office?

20 A. In one of the parking stalls.

21 Q. Could you estimate about how far of a  
22 walk it was from the door exiting Judge Plummer's  
23 office to where your police vehicle was parked?

24 A. 15 yards.

25 Q. And then when you got to the police

1 cruiser, where did you place Mr. Bennett?

2 A. I returned Mr. Bennett, along with  
3 Trooper Paduck, to the rear of the patrol car, rear  
4 passenger compartment and sat him in the same.

5 Q. And do you remember if it was yourself  
6 or Trooper Paduck that did that?

7 A. It was a combined effort, is my best  
8 recollection.

9 Q. Okay. Do you know about how far  
10 Trooper Paduck was behind you and Mr. Bennett as you  
11 were exiting the courtroom?

12 A. No.

13 Q. Once you positioned Mr. Bennett in the  
14 police vehicle, is that when Mr. Bennett started to  
15 complain that his jaw hurt?

16 A. There was a series of events that  
17 occurred rapidly; so, in the instant, no, that's not  
18 when he complained his jaw hurt.

19 Q. Okay. So, when do you believe he first  
20 began complaining that his jaw hurt?

21 A. I don't recall him saying that his jaw  
22 hurt.

23 Q. Okay. Do you remember about -- do you  
24 know where Mr. Bennett was located when he began to  
25 hyperventilate in the vehicle?



1           A.       Still in the back passenger  
2 compartment.

3           Q.       Do you know about how long he was  
4 seated in the police vehicle before this began to  
5 occur?

6           A.       Best described as instantly he started  
7 to act up.

8           Q.       And you then called an ambulance at Mr.  
9 Bennett's request, correct?

10          A.       My calling of the ambulance was not  
11 instantly to Mr. Bennett's saying he wanted an  
12 ambulance or saying he wanted to go to the hospital.  
13 As my recollection serves me, he didn't ask for an  
14 ambulance, he said he wanted to go to the hospital.

15          Q.       And as a State Trooper, do you ever  
16 transport people to the hospital?

17          A.       That's not unusual, yes, we do.

18          Q.       You do. So, what made you call the  
19 ambulance this night then versus transporting him?

20          A.       That he was insistent on going to the  
21 hospital and I said to him he wasn't hurt; so, now a  
22 dialogue began between Mr. Bennett and I.

23          Q.       Okay. And at Tyler Memorial Hospital  
24 is very close to where Judge Plummer's office is,  
25 right?

1           A.       Very.

2           Q.       So, is there a specific reason that you  
3       decided to call an ambulance versus driving him to  
4       the hospital yourself?

5           A.       Yes.

6           Q.       Could you tell me what that is?

7           A.       Yes. In this interaction between the  
8       man in custody, Mr. Bennett, and I, I perceived that  
9       he was feigning injury. And when I determined that  
10      he was insistent on saying he was hurt, but, yet, I  
11      was not seeing any injury upon him or seeing any  
12      difficulty with any breathing, I did not see any  
13      bleeding about him, if he was going to be that  
14      insistent that he was hurt, I was not going to give  
15      him the benefit of saying we transported him to the  
16      hospital. I made the determination to call an  
17      ambulance and ambulance personnel to the scene to  
18      assess him.

19          Q.       And do you remember if Trooper Paduck  
20      placed a call to Corporal Mitchell after you exited  
21      Judge Plummer's office but prior to you radioing for  
22      the ambulance?

23          A.       I know Trooper Paduck and I agreed for  
24      us to notify the duty corporal. When that actually  
25      took place, I cannot say with any certainty. I know

1       there has to be record of when that call occurred.

2               Q.       Okay. During the MVR recording from  
3       your police vehicle that you could be heard saying  
4       Paduck is the hero two times, what did you mean by  
5       that?

6               A.       I reviewed the documentation you are  
7       referring to. That captures a jovial moment between  
8       my partner and I.

9               Q.       Okay. Could you describe it for me --  
10       let me strike that.

11               Was the jovial moment at that time you  
12       said it?

13              A.       Yes, yes, it was.

14              Q.       So, could you describe to me why it was  
15       a jovial moment for both of you?

16              A.       I know that there actually is  
17       documentation and a time sequence when that moment  
18       occurred, and as memory serves me, by this point in  
19       time, ambulance personnel had already arrived,  
20       ambulance personnel had already begun their  
21       assessment of Mr. Bennett. But, yes, Mr. Bennett was  
22       not being transported to the hospital yet, so, there  
23       came this moment in time, as memory serves me, as I  
24       think about the documentation you are referring to,  
25       that Trooper Paduck and I were able to talk about

1 what is about to happen next. We were referring to  
2 Mr. Bennett being taken to the hospital but Trooper  
3 Lopez cannot go with Mr. Bennett, who is agitated by  
4 my presence. And I made reference or inference to  
5 Trooper Paduck is the hero again, he gets to ride  
6 with Mr. Bennett.

7 Q. Understood. And I know you referenced  
8 that you removed yourself from the situation. Do you  
9 remember at what time you began to, you know,  
10 separate yourself from Mr. Bennett?

11 A. As ambulance personnel became more  
12 involved and the need for Mr. Bennett to be assessed  
13 by them, I was getting Mr. Bennett out of my patrol  
14 car and that began my final interaction with Mr.  
15 Bennett.

16 Q. Okay. Do you remember about how long  
17 it took for the ambulance to arrive at Judge  
18 Plummer's office?

19 A. I know it did not take long.

20 Q. Okay. And do you remember what  
21 happened once the ambulance did arrive?

22 A. When the ambulance did arrive, they  
23 began to exit their vehicle and began to ask what  
24 happened.

25 Q. Did you speak to the EMTs at all?

1 A. I am sure I did.

2 Q. Okay. Did you give them any  
3 descriptions of what happened?

4 A. I am sure I did.

5 Q. And, to your knowledge, did Trooper  
6 Paduck do that, as well?

7 A. I am sure he did, to some extent, yes.

8 Q. And, to your knowledge, did Mr. Bennett  
9 do that, as well?

10 A. He would have had to have interacted to  
11 describe his injuries and his complaint.

12 Q. And then did you follow the ambulance  
13 to the hospital?

14 A. I did.

15 Q. And then at some point I believe the  
16 reports reference that you, while Mr. Bennett was in  
17 the hospital, that you went back to the State Trooper  
18 barracks, is that correct?

19 A. Yes.

20 Q. Do you remember why you went back to  
21 the barracks at that time?

22 A. If memory serves me correct, I needed  
23 to use the bathroom or I needed to get something, a  
24 charger for my phone. There was some reason why I  
25 went to the barracks. But I quickly returned back to

1 the hospital.

2 Q. And then did you just wait in the  
3 parking lot for Trooper Paduck to exit with Mr.  
4 Bennett?

5 A. I actually entered the emergency room  
6 and remained a distance away from the personnel who  
7 were treating Mr. Paduck -- excuse me, Mr. Bennett.

8 Q. Okay. Would you agree that once the  
9 ambulance arrived at Judge Plummer's office, you did  
10 not have any other problems with Mr. Bennett?

11 A. I did not.

12 Q. Okay. You served a PFA on Mr. Bennett  
13 on May 13, 2017, is that right?

14 A. At the early portion of the next shift  
15 that Trooper Paduck and I worked, yes.

16 Q. Could you tell me what part you played  
17 in the serving of that PFA?

18 A. I continued to be the senior officer,  
19 senior Trooper in our little crew of Trooper Paduck  
20 and I. I made the determination that I still cannot  
21 have any interaction with Mr. Bennett. I requested  
22 that we call the officers from Tunkhannock Borough to  
23 see if they were available to assist us. They were.  
24 They accompanied us to Mr. Bennett's house. I  
25 remained in the State Police patrol vehicle as

1 Trooper Paduck and whichever officer there was, I  
2 believe it was Officer Bukavage, who proceeded to  
3 serve the PFA.

4 Q. Would you agree that there were no  
5 problems with Mr. Bennett when the PFA was served?

6 A. I don't believe there were.

7 Q. But you weren't right there?

8 A. I didn't go to the door.

9 Q. Okay. Understood. And then at some  
10 later point you were charged with summary harassment  
11 based on your interactions from May 12, 2017, is that  
12 right?

13 MR. COLEMAN: Just note my  
14 objection. You can answer.

15 THE WITNESS: That is correct.

16 BY MR. GRYSKEWICZ:

17 Q. Do you know who recommended that you be  
18 charged with harassment, sir?

19 MR. COLEMAN: I would like a  
20 continuing objection to all of these on  
21 the harassment.

22 MR. GRYSKEWICZ: Understood.

23 MR. COLEMAN: You could answer.

24 THE WITNESS: As far as I  
25 understand, it was the State Attorney

1           General's office who said to my internal  
2           affairs division to charge me.

3       BY MR. GRYSKEWICZ:

4           Q.       Okay. And you were then subsequently  
5           acquitted at the summary trial before a magisterial  
6           judge, is that right?

7           A.       I know the term to be found not guilty.

8           Q.       Okay. What was your status with the  
9           Pennsylvania State Police from May 13, 2017, until  
10          you were found not guilty?

11          A.       In the initial days, I was fully on  
12          duty, no restricted duty. But there came a point in  
13          time in June where they placed me on restricted duty.

14          Q.       Okay. And then after the not guilty  
15          verdict, were you reinstated to full duty?

16          A.       Shortly thereafter.

17          Q.       Okay. Do you remember about when your  
18          reinstatement occurred?

19          A.       Give me a moment to reflect. I believe  
20          the summary trial occurred, perhaps, maybe March of  
21          2018; so, it was shortly thereafter.

22          Q.       Okay. Would you describe it as days,  
23          weeks, months?

24          A.       Days.

25          Q.       Okay. To your knowledge, now that you



1 have been found not guilty, will the Pennsylvania  
2 State Police insurance policy cover any type of  
3 monetary damages that you may be required to pay in  
4 this case?

5 A. I actually don't know the Pennsylvania  
6 State Police's position on that.

7 Q. Okay.

8 A. I know that I am represented by counsel  
9 at my expense.

10 Q. Okay. Sir, before I ask you these next  
11 questions, I just wanted to give you a background why  
12 I am asking them. I am not asking them to harass you  
13 or embarrass you, I am just asking because part of  
14 the way punitive damages get calculated in a federal  
15 lawsuit is based on a person's income.

16 So, I am going to ask you how much do  
17 you make a year as a Pennsylvania State Trooper?

18 A. I can only refer to my tax records. I  
19 don't know what the base salary of a Trooper with my  
20 amount of years on the job is. It is not something  
21 that I am interested in anymore. But, annually, my  
22 tax records indicate that I take home somewhere  
23 between 70- and \$85,000.

24 Q. Okay. What do you estimate your total  
25 net worth to be, sir? I know that's a difficult

1 question to answer, but if you could estimate to the  
2 best of your ability.

3 A. I will answer honestly, because I know  
4 my personal situation. My net worth is probably at  
5 this juncture 90,000 a year income, gross income,  
6 with what we own and what we have in bank accounts,  
7 150,000.

8 Q. Not counting the incident on May 12,  
9 2017, have you ever taken off your name tag and given  
10 it to a person while you were on duty?

11 A. Yes.

12 Q. And could you describe that other  
13 situation for us?

14 A. As memory serves me, there was a moment  
15 in time earlier on in my career where a woman who I  
16 had issued a traffic citation to insisted that I give  
17 her my badge. Well, as Pennsylvania State Troopers,  
18 we don't wear badges on our person; so, I gave her my  
19 name tag.

20 Q. Okay. Was she upset about the traffic  
21 stop?

22 A. Yes.

23 Q. And you gave her your name tag so she  
24 would know your name to do whatever she was going to  
25 do with it?

1 A. And appease her.

2 Q. Has anyone ever filed a civil complaint  
3 against you before for violating their constitutional  
4 rights?

5 A. I want to say no because I don't recall  
6 that.

7 Q. Okay. Have you ever been reprimanded  
8 by your commanding officer during your career as a  
9 State Trooper?

10 A. Sure.

11 Q. Could you describe how many times you  
12 have been reprimanded?

13 A. A handful.

14 Q. And that's over your entire 23-year  
15 career?

16 A. Sure.

17 Q. And do you remember specifically what  
18 any of those reprimands would have been for?

19 A. Specifically, get your paperwork in  
20 quicker.

21 Q. Okay. So, it would have been something  
22 minor like that?

23 A. Yes.

24 Q. Have you ever been reprimanded based on  
25 a use of force before in the line of duty?

1           A.       Reprimanded on a use of force, not that  
2 I recall, no.

3           Q.       Have you ever had to use force before  
4 in the line of duty?

5           A.       Absolutely.

6           Q.       About how many times do you estimate  
7 that you have had to use some level of force?

8           A.       Too many to count. If you are going to  
9 characterize the question using the phrase some level  
10 of force, we have an array of force that we use, too  
11 many times to count.

12          Q.       Have you ever used deadly force in the  
13 line of duty, sir?

14          A.       Not against a person.

15          Q.       Okay. Have you ever used your taser  
16 against somebody in the line of duty?

17          A.       Yes.

18          Q.       About how many times do you think you  
19 have had to deploy your taser?

20          A.       Somewhere between three to six times  
21 but definitely less than a dozen times.

22          Q.       Okay. Have you ever had to deploy mace  
23 or pepper spray in the course of your duty?

24          A.       I don't recall ever applying mace.

25          Q.       Okay. Have you ever had to use a baton

1 during the course of your duty?

2 A. Not upon a person, not while working  
3 but while training I had to apply my baton.

4 Q. Okay. Are you aware of any complaints  
5 that have ever been lodged against you based on your  
6 conduct as a Pennsylvania State Police Trooper?

7 A. As memory serves me here today, nothing  
8 jumps out another me. If anybody was able to produce  
9 one such complaint, I wouldn't be surprised.

10 Q. Okay. How many arrests do you think  
11 you have made in your career?

12 A. I am sorry, I am going to respond by  
13 saying too many to count. I don't keep track,  
14 accurate track of how many arrests I have made.

15 Q. Do you recall about how many  
16 arraignments you have been to like you were at with  
17 Mr. Bennett on May 12th?

18 A. That is such a routine occurrence that  
19 I don't have an answer for you.

20 Q. Okay. So, have you done many  
21 arraignments?

22 A. Yes.

23 Q. In your experience, about how long does  
24 an arraignment take?

25 A. If a courtroom is not backed up, an

1 arraignment can take less than an hour, it could take  
2 a half hour. If we are lucky, it occurs faster than  
3 that.

4 Q. Okay. During your career as a police  
5 officer, have you ever had to use an open-handed  
6 strike like you used on Mr. Bennett before on a  
7 person?

8 A. I am sure I have had to; nothing jumps  
9 out in my memory.

10 Q. So, you wouldn't recall how many times?

11 A. No.

12 Q. Okay. During your career as a State  
13 Trooper, can you recall ever using the restraint  
14 about the chest or neck area that you used on Mr.  
15 Bennett previously?

16 A. That level of force and than manner of  
17 technique is applied routinely. Do I recall any  
18 particular instance, no.

19 Q. And why do you say that it is used  
20 routinely?

21 A. Because restraining an individual in  
22 the line of my job is something I am called to do.  
23 Even if I am assisting another department to do so,  
24 it is routine.

25 Q. Okay. So, it is routine that you would

1 -- that you have to restrain people, obviously, in  
2 the line of duty, right?

3 A. Yes, yes.

4 MR. GRYSKEWICZ: If I could have a  
5 moment with my client?

6 (At this time there was a brief  
7 recess taken.)

8 MR. GRYSKEWICZ: I don't have any  
9 further questions.

10 MR. RONGAUS: I have no questions.

11 MR. COLEMAN: I have no questions  
12 of Trooper Lopez. Thank you, sir.

13  
14 (At this time the deposition  
15 in the above-captioned matter  
16 was concluded.)  
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C E R T I F I C A T E

I, Teresa Crossin, a Notary Public in and for Luzerne County, Pennsylvania, do hereby certify that the deposition was reported in machine shorthand by me, that the said witness was duly sworn/affirmed by me, that the transcript was prepared by me or under my supervision and constitutes a complete and accurate record of same.

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.



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